

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**MATHEAU MARTINEZ,
Plaintiff,**

v.

Case No. 18-C-569

**DEAN RODENSAL, *et al.*,
Defendants.**

ORDER

Plaintiff Matheau Martinez, who is representing himself, filed a complaint under 42 U.S.C. § 1983. On August 26, 2019, the defendants filed a motion for summary judgment. Docket No. 24. Under Civil L.R. 56(b)(2), the plaintiff's response materials were due within thirty days of service of the motion. According to the court's records, he has not responded to the motion. The plaintiff's failure to respond suggests that he does not oppose the motion.

I will give the plaintiff a final opportunity to file his response materials. If he does not do so by the below deadline, I will grant the motion and dismiss the case with prejudice and without further notice to the plaintiff. See Civil L. R. 7(d) ("Failure to file a memorandum in opposition to a motion is sufficient cause for the Court to grant the motion."); Civil L. R. 41(c) ("Whenever it appears to the Court that the plaintiff is not diligently prosecuting the action . . . the Court may enter an order of dismissal with or without prejudice.").

As a reminder, if the plaintiff responds to the motion, he must respond to each of the defendants' proposed findings of fact by agreeing with each proposed fact or explaining why he disagrees with a particular fact. If he does not indicate one way or the

other, I will assume that he agrees with the proposed fact. The plaintiff must support every disagreement with evidence. He can do that by relying on documents or by telling the court his version of what happened in an affidavit or an unsworn declaration under 28 U.S.C. § 1746.¹ An unsworn declaration is a way for a party to tell his side of the story while declaring to the court that everything in the declaration is true and correct. The plaintiff must also respond to the legal arguments in the defendants' brief.

IT IS THEREFORE ORDERED that, by **November 8, 2019**, the plaintiff shall either respond to the defendants' motion for summary judgment or file a letter explaining why he is unable to do so. If the plaintiff does nothing by that date, I will grant the defendants' motion and dismiss this case.

Dated in Milwaukee, Wisconsin, this 23rd day of October, 2019.

s/Lynn Adelman
LYNN ADELMAN
United States District Judge

¹ At the bottom of his declaration he should state: "I declare under penalty of perjury that the foregoing is true and correct. Executed on [date]. [Signature]." 28 U.S.C. § 1746(2).